

House Bill 136 (COMMITTEE SUBSTITUTE)

By: Representatives Carter of the 175th, Hitchens of the 161st, Tanner of the 9th, and Lumsden of the 12th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 and Chapter 16 of Title 40 of the Official Code of Georgia Annotated,
2 relating to drivers' licenses and the Department of Driver Services, respectively, so as to
3 provide for demarcation of a valid driver's license, permit, or identification card by the
4 Department of Driver Services and return of such license, permit, or card to a person
5 applying for a new license or card; to provide for receipt upon confirmation of eligibility for
6 a new driver's license or permit for purposes of legally operating a motor vehicle until arrival
7 of the permanent driver's license or permit; to provide for punishment for willful failure to
8 surrender a valid driver's license, permit, or identification card to the department upon
9 application for a new license, permit, or card; to remove requirement that a visually impaired
10 parent or legal guardian must have previously held a valid driver's license in order for his or
11 her minor child to operate a motor vehicle; to provide for fees for issuance of certain drivers'
12 licenses and permits; to allow for department consideration of any violation of law in
13 determining whether disqualification of a commercial driver's license, a commercial driver
14 instructor permit, or commercial driving privileges is appropriate; to provide for fees for
15 issuance of identification cards; to provide authority to the commissioner to contract for the
16 collection of delinquent fees; to provide for limitations for such contracts; to provide for
17 related matters; to provide for effective dates; to repeal conflicting laws; and for other
18 purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
22 is amended in Code Section 40-5-20, relating to license requirement, surrender of prior
23 licenses, and prohibition of local licenses, by revising subsection (c) as follows:

24 "(c)(1)(A) Any person who applies for a driver's license, instruction permit, or limited
25 driving permit shall indicate on such application whether he or she is in possession of

any other valid driver's license or permit issued pursuant to this title or from any other jurisdiction.

(B) Except as provided in paragraph (2) of this subsection ~~and in Code Section 40-5-32~~, no person shall receive a driver's license unless and until such person surrenders to the department all valid licenses or permits in such person's possession issued to him or her ~~by this~~ pursuant to this title or ~~by~~ any other jurisdiction. ~~All surrendered licenses issued by another jurisdiction shall be destroyed~~ The department shall physically mark any surrendered license or permit in a manner which makes it apparent that such license or permit is no longer valid and return the license or permit to such person.

(C) The department shall issue a receipt to a person eligible to be issued a driver's license, instruction permit, or limited driving permit pursuant to the requirements of this title. Such receipt shall satisfy the requirements of subsection (a) of Code Section 40-5-29 regarding proof of eligibility to operate a motor vehicle until the person has received his or her permanent driver's license, instruction permit, or limited driving permit.

(D) ~~The~~ If a surrendered driver's license was issued by another jurisdiction, the department shall forward the surrendered license information shall be forwarded to the previous jurisdiction.

(E) ~~No~~ Except as provided for in paragraph (2) of this subsection, no person shall be permitted to have more than one valid driver's license at any time.

(2) Any noncitizen who is eligible for issuance of a driver's license, instruction permit, or limited driving permit pursuant to the requirements of this ~~chapter~~ title and is in possession of a valid driver's license or permit issued by a foreign jurisdiction may be issued a driver's license, instruction permit, or limited driving permit without surrendering ~~any driver's license previously issued to him or her by any foreign jurisdiction~~ the foreign driver's license or permit. This exemption shall not apply to a person who is applying for a commercial driver's license or who is required to terminate any previously issued driver's license pursuant to federal law. The department shall make a notation on the driving record of any person who retains a foreign driver's license, and this information shall be made available to law enforcement officers and agencies on such person's driving record through the Georgia Crime Information Center.

(3) Any person who is eligible to receive a driver's license, instruction permit, or limited driving permit pursuant to the requirements of this title who willfully fails to surrender any valid driver's license, instruction permit, or limited driving permit shall be considered to have committed an act of fraud and upon conviction be punished as provided for in Code Section 16-10-20."

SECTION 2.

Said chapter is further amended in Code Section 40-5-22, relating to persons not to be licensed, minimum ages for licenses, school enrollment requirements, driving training requirements, and limited driving permit, by revising subsection (b) as follows:

"(b)(1) Notwithstanding the provisions of subsection (a) of this Code section, any person 14 years of age or older who has a parent or guardian who is medically incapable of being licensed to operate a motor vehicle due to visual impairment may apply for and, subject to the approval of the commissioner, may be issued a restricted noncommercial Class P instruction permit for the operation of a noncommercial Class C vehicle. Any person permitted pursuant to this subsection shall be accompanied whenever operating a motor vehicle by such physically impaired parent or guardian or by a person at least 21 years of age who is licensed as a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of exercising control over the vehicle, and who is occupying a seat beside the driver. ~~The department shall require satisfactory proof that the physically impaired parent or guardian previously held a valid driver's license in the State of Georgia, another state, or the District of Columbia before issuing an instructional permit pursuant to this paragraph.~~

(2) Notwithstanding the provisions of subsection (a) of this Code section, any person 15 years of age or older who has a parent or guardian who is medically incapable of being licensed to operate a motor vehicle due to physical impairment and has been issued an identification card containing the international handicapped symbol pursuant to Article 8 of this chapter may apply for and, subject to the approval of the commissioner, may be issued a restricted noncommercial Class P instruction permit for the operation of a noncommercial Class C vehicle. Any person permitted pursuant to this paragraph shall be accompanied whenever operating a motor vehicle by such physically impaired parent or guardian or by a person at least 21 years of age who is licensed as a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of exercising control over the vehicle, and who is occupying a seat beside the driver. ~~The department shall require satisfactory proof that the physically impaired parent or guardian previously held a valid driver's license in the State of Georgia, another state, or the District of Columbia before issuing an instructional permit pursuant to this paragraph."~~

SECTION 3.

Said chapter is further amended in Code Section 40-5-25, relating to applications, fees, waiver of fees, and provisions for voluntary participation in various programs, by revising subsection (a) as follows:

"(a) Every application for an instruction permit or for a driver's license shall be made upon a form furnished by the department. Every application shall be accompanied by the proper license fee. The fees shall be as established by the Board of Driver Services, not to exceed:

(1) For instruction permits for Classes C, E, F, and M drivers' licenses and for Class D drivers' licenses	\$ 10.00
(2) For five-year Classes C, E, F, and M noncommercial drivers' licenses	20.00
(2.1) For eight-year Classes C, E, F, and M noncommercial drivers' licenses	32.00
(3) For Classes A, B, C, and M commercial drivers' licenses	20.00
(4) For application for Classes A, B, C, and M commercial drivers' licenses or a Class P commercial driver's instruction permit	35.00
(5) (4) For Class P commercial drivers' instruction permits for Classes A, B, C, and M commercial drivers' licenses	10.00
(6) (5) For <u>up to five year</u> Classes A, B, C, and M commercial drivers' licenses, initial issuance requiring a road test	70.00
<u>(5.1) For eight-year Classes A, B, C, and M commercial drivers' licenses, initial issuance requiring a road test</u>	<u>82.00</u>
(7) (6) For <u>up to five year</u> Classes A, B, C, and M commercial drivers' licenses, initial issuance not requiring a road test	20.00
<u>(6.1) For eight-year Classes A, B, C, and M commercial drivers' licenses, initial issuance not requiring a road test</u>	<u>32.00</u>
(8) (7) For renewal of <u>up to five year</u> Classes A, B, C, and M commercial drivers' licenses	20.00
<u>(7.1) For renewal of eight-year Class A, B, C, and M commercial drivers' licenses</u>	<u>32.00</u>
(8.1) (7.2) For renewal of five-year <u>up to five year</u> Classes C, E, F, and M noncommercial drivers' licenses	20.00
(8.2) (7.3) For renewal of eight-year Classes C, E, F, and M noncommercial drivers' licenses	32.00
(9) (8) Initial issuance of Classes A, B, C, and M commercial drivers' licenses and Class P commercial drivers' instruction permits shall include all endorsement fees within the license fee. Each endorsement added after initial licensing	5.00

The commissioner may by rule provide incentive discounts in otherwise applicable fees reflecting cost savings to the department where a license is renewed by means other than

personal appearance. The discount for renewal of a Class C or Class M license and any other discounts shall be as determined by the commissioner. Except as provided in Code Section 40-5-36, relating to veterans' licenses, and Code Section 40-5-149, relating to application fees for public school bus drivers, there shall be no exceptions to the fee requirements for a commercial driver's license or a commercial driver's license permit. Notwithstanding any other provision of this Code section, there shall be no fee whatsoever for replacement of any driver's license solely due to a change of the licensee's name or address, provided that such replacement license shall be valid only for the remaining period of such original license; and provided, further, that only one such free replacement license may be obtained within the period for which the license was originally issued. Any application for the replacement of a lost license pursuant to Code Section 40-5-31 or due to a change in the licensee's name or address submitted within 150 days of the expiration of said license shall be treated as an application for renewal subject to the applicable license fees as set forth in this subsection. The maximum period for which any driver's license shall be issued is eight years."

SECTION 4.

Said chapter is further amended in Code Section 40-5-53, relating to when courts shall send licenses and reports of convictions to the department, destruction of license by the department, and issuance of new license upon satisfaction of certain requirements, by revising paragraph (4) of subsection (b) as follows:

"(4) Any report of any conviction ~~for a violation of Article 7 of this chapter~~, regardless of the date such report of conviction is received by the department, shall be considered for purposes of disqualifying a person's commercial driver's license, commercial driver instruction permit, or commercial driving privileges in accordance with Code Section 40-5-151."

SECTION 5.

Said chapter is further amended in Code Section 40-5-100, relating to authorization to issue identification cards, contents of such cards, prohibition on possession of more than one card, application and renewal of cards, and dissemination of information regarding voluntary programs, by revising subsection (c) as follows:

"(c)(1) No person may possess more than one identification card issued pursuant to this Code section; provided, however, that this subsection shall not be construed to prevent ~~a resident of this state who possesses~~ person issued a driver's license, instruction permit, or limited driving permit pursuant to this title from also possessing an identification card issued under this article.

(2)(A) Any person who applies for an identification card shall indicate on such application whether he or she is in possession of any other valid identification card, driver's license, instruction permit, or limited driving permit issued pursuant to this title or by any other jurisdiction.

(B) Except as provided in paragraph (3) of this subsection, each applicant for an identification card shall surrender to the department any valid identification card or, driver's license, instruction permit, or limited driving permit previously issued pursuant to this title or by any other state and any identification card previously issued by this state jurisdiction. The department shall physically mark any surrendered identification card, driver's license, instruction permit, or limited driving permit in a manner which makes it apparent that such card, license, or permit is no longer valid and return the card, license, or permit to such person.

(C) The department shall issue a receipt to a person eligible to be issued an identification card pursuant to the requirements of this title. Such receipt may be used as proof of issuance until the person has received his or her permanent identification card.

(D) If a surrendered identification card, driver's license, instruction permit, or limited driving permit was issued by another jurisdiction, the department shall forward the surrendered card, license, or permit information to the previous jurisdiction.

(3)(A) Any noncitizen who is eligible for issuance of an identification card pursuant to the requirements of this chapter title and is in possession of an identification card or driver's license issued by a foreign jurisdiction may be issued an identification card without surrendering any driver's license or identification card previously issued to him or her by any foreign jurisdiction the foreign driver's license or identification card. This exemption shall not apply to a person who is required to terminate any previously issued identification card pursuant to federal law.

(B) The department shall make a notation on the driving record of any person who retains a foreign identification card or driver's license, and this information shall be made available to law enforcement officers and agencies on such person's driving record through the Georgia Crime Information Center.

~~(4) Willful failure to surrender any such previous driver's license or personal identification card upon application for a new personal identification card will~~ Any person who is eligible to receive an identification card pursuant to the requirements of this title who willfully fails to surrender any valid identification card, driver's license, instruction permit, or limited driving permit shall be considered to have committed an act of fraud and upon conviction be punished as provided for in Code Section 40-5-125 16-10-20."

SECTION 6.

Said chapter is further amended in Code Section 40-5-103, relating to fees and issuance periods for identification cards, exceptions for veterans' or honorary licenses, and application and renewal of an identification card, by revising subsection (a) as follows:

"(a) Except as provided in Code Section 40-5-21.1 and subsections (b) and (c) of this Code section, the department shall collect a fee of \$20.00 for a five-year card and a fee of ~~\$35.00~~ \$32.00 for an eight-year card, which fee shall be deposited in the state treasury in the same manner as other motor vehicle driver's license fees."

SECTION 7.

Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department of Driver Services, is amended in Code Section 40-16-5, relating to authority of the commissioner, by adding a new subsection to read as follows:

"(g)(1)(A) The commissioner may contract with a debt collection agency or attorney doing business within or outside this state for the collection of delinquent fees owed to the department pursuant to this title. Such contract may provide for the rate of payment and the manner in which compensation for debt collection services shall be paid, provided that such compensation shall not be on:

(i) A contingent basis by percentage of debt collected;

(ii) An hourly basis that is capped by the percentage of debt collected; or

(iii) A contingent basis by an hourly, fixed fee, or other arrangement which is contingent on successful collection of the debt.

(B) The compensation, fees, and expenses for such debt collection may be added to the amount of the delinquent fees owed and may be collected directly by the contractor from the debtor.

(C) The commissioner is authorized to provide the contractor with the necessary information regarding the delinquent fees and debtor for the collection of the fees owed.

(2) No delinquent fees may be collected pursuant to paragraph (1) of this subsection from a person not subject to a license suspension or cancellation pursuant to this title.

(3) The commissioner may adopt rules and regulations to carry out the provisions of this subsection."

SECTION 8.

(a) This Act shall become effective on July 1, 2017, except as otherwise provided in subsection (b) of this section.

239 (b) Subsection (c) of Code Section 40-5-20 as amended by Section 1 of this Act and
240 subsection (c) of Code Section 40-5-100 as amended by Section 5 of this Act shall become
241 effective on July 1, 2018.

242 **SECTION 9.**

243 All laws and parts of laws in conflict with this Act are repealed.